

JUL 12 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

HUMBOLDT BANK, a California
corporation,

Plaintiff - Appellant,

v.

GULF INSURANCE COMPANY, a
Connecticut corporation,

Defendant - Appellee.

No. 04-16424

D.C. No. CV-03-01799-SC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Samuel Conti, District Judge, Presiding

Argued and Submitted May 17, 2006
San Francisco, California

Before: **KOZINSKI** and **FISHER**, Circuit Judges, and **BLOCK**,** District Judge.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The Honorable Frederic Block, Senior United States District Judge for the Eastern District of New York, sitting by designation.

We affirm, substantially for the reasons articulated by the district court in its opinion. See Humboldt Bank v. Gulf Ins. Co., 323 F. Supp. 2d 1027 (N.D. Cal. 2004).

AFFIRMED.